

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	DAUPHIN COUNTY, PENNSYLVANIA
	:	
VS.	:	
	:	
	:	
JOHN R. ZIMMERMAN	:	NO. 2524 CR 2010
BRIAN J. PRESKI	:	NO. 2583 CR 2010
SAMUEL C. "BUZZ" STOKES	:	NO. 2584 CR 2010
BRETT O. FEESE	:	NO. 2585 CR 2010
JILL A. SEAMAN	:	NO. 2586 CR 2010
PAUL E. TOWHEY	:	NO. 2588 CR 2010
JOHN M. PERZEL	:	NO. 2589 CR 2010
ELMER L. "AL" BOWMAN	:	NO. 2590 CR 2010
ERIC S. RUTH	:	NO. 2591 CR 2010

ORDER

AND NOW, this 23rd day of March, 2011, following review of the Omnibus Pre-trial Motions filed by the above captioned defendants, together with the various memoranda filed by counsel for the defendants; and following review of the responses of the Commonwealth to said motions, as well as a review of the notes of testimony of the preliminary hearing held before Magisterial District Judge William Wenner; and following extensive argument on said motions, IT IS HEREBY ORDERED as follows:

Commonwealth v. John R. Zimmerman
2524 CR 2010

The Petition for Writ of Habeas Corpus (styled as a Motion To Quash) filed on behalf of Defendant Zimmerman is hereby DENIED.

Defendant's Motion For Severance requesting a separate trial of defendants/offenses pertaining to charges of Hindering Apprehension, Obstructing Administration of Law and Criminal Conspiracy is GRANTED.

Commonwealth v. Brian Preski
2584 CR 2010

The Petition for Writ of Habeas Corpus filed by Defendant Preski is hereby DENIED. From a review of the transcript of the preliminary hearing before Magisterial District Judge William Wenner, this court is satisfied that the Commonwealth established a prima facie case.

Defendant Preski's Motion to Quash All Conspiracy Counts is DENIED.

All other motions joined in by this defendant are hereby DENIED.

Commonwealth v. Samuel C. Stokes, Jr.
2584 CR 2010

The Petition for Writ of Habeas Corpus filed by Defendant Stokes is hereby DENIED. Following a review of the transcript of the preliminary hearing before

Magisterial District Judge William Wenner, this court is satisfied that the Commonwealth established a prima facie case.

Defendant Stokes' Motion to Dismiss Counts 36 Through 42 Inclusive or In The Alternative, To Order The Prosecution To Elect One Count Of Conspiracy Among The Various Counts Charged is hereby DENIED.

Defendant's Motion to Dismiss involving various theft counts as well as counts alleging a conspiracy to violate 18 Pa.C.S.A. §§ 3921(a) and 3922(a)(1) is DENIED.

All other motions joined in by this defendant are DENIED.

Commonwealth v. Brett Feese
2585 CR 2010

The Petition for Writ of Habeas Corpus Counts 9, 18, 27, 36, 45 and 56, is hereby DENIED. This Court is satisfied following a review of the preliminary hearing transcript that the Commonwealth made out a prima facie case as to these charges. Additionally, the Motion To Dismiss and the Motion In Limine with respect to these counts are also DENIED.

The Petition for Writ of Habeas Corpus Counts 46, 47, 57, and 58 is hereby GRANTED. Following a reading of the transcript of the preliminary hearing, this Court finds that a prima facie case was not established as to Counts 46, 47, 57, and 58.

Based on this court's ruling on the Habeas Corpus petition with respect to Counts 46, 47, 57, and 58, it is not necessary to rule on the Motion to Dismiss (DeMinimus) and the Motion in Limine with respect to these counts.

All other motions filed or joined in by this defendant are hereby DENIED.

Commonwealth v. Jill A. Seaman
2586 CR 2010

The Motion for Severance filed by Defendant Seaman is DENIED.

The Motion To Dismiss Conspiracy Counts Or To Require Election Of A Single Conspiracy Count is DENIED.

The Motion To Dismiss Conflict Of Interest Counts For Vagueness is DENIED.

The Motion In Limine To Exclude Evidence Of De Minimus Infractions is DENIED.

The Motion In Limine To Exclude Evidence That Non-Legislative Activities Occurred During A Prosecution Defined "Normal Workday" is DENIED.

The Motion To Dismiss Certain Theft Counts is DENIED.

All other Motions joined in by this Defendant are DENIED.

Commonwealth v. Paul E. Towhey, Jr.
2588 CR 2010

The Motion To Dismiss Or Petition For Writ Of Habeas Corpus filed on behalf of Defendant Towhey is hereby DENIED.

All other motions joined in by this defendant are hereby DENIED, except with respect to the Motion For Severance filed on behalf of John R. Zimmerman requesting severance of defendants/offenses pertaining to certain charges of Obstructing Administration of Law, Criminal Conspiracy and Hindering Apprehension. Accordingly, based on Defendant Towhey's Motion To Adopt And Join In Motions Of All Co-Defendants, Counts 21, 22, 27, 28 of Defendant Towhey's information are hereby severed to be consolidated with the counts charging Defendant Bowman with the same offenses.

Commonwealth v. John M. Perzel
2589 CR 2010

The Petition For Writ of Habeas Corpus filed by Defendant Perzel is GRANTED in part and DENIED in part.

Following a review of the notes of testimony from the preliminary hearing before Magisterial District Judge William Wenner, this court finds that a prima facie case was not presented with respect to Counts 81 (Conspiracy/Hindering Apprehension) and

82 (Conspiracy/Obstructing Administration of Law), and as such the Petition For Writ of Habeas Corpus is GRANTED as to Counts 81 and 82 only.

With respect to Counts 1 through 80, the Petition For Writ of Habeas Corpus is hereby DENIED.

All other motions joined in by this defendant are hereby DENIED.

Commonwealth v. Elmer Leroy Bowman
2590 CR 2010

Any and all motions joined in by this defendant are hereby DENIED.

Commonwealth v. Eric S. Ruth
2591 CR 2010

The Defendant's Motion For Writ Of Habeas Corpus and Motion To Dismiss Charges Of Conflict Of Interest, Theft, Theft Of Services, Theft By Deception, Theft By Failure To Make Required Disposition Of Funds Received and Criminal Conspiracy are hereby DENIED.

All other motions joined in by this defendant are hereby DENIED.

Certain motions filed on behalf of one or more of the defendants captioned above have already been addressed by this court. To the extent that prior rulings may not have been directed to all defendants, this court rules as follows:

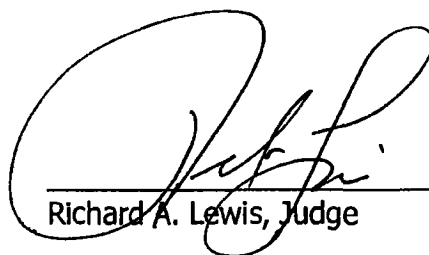
The Motion To Dismiss Conflict Of Interest Counts As Void For Vagueness, and joined in by all defendants, is DENIED.

The Motion To Dismiss Conspiracy Counts Or To Require Election Of A Single Conspiracy Count, and joined in by all Defendants, is hereby DENIED.

The Motion To Dismiss relative to certain theft counts (Theft of Services, Theft by Deception, Theft by Unlawful Taking) as inapposite to charged misconduct (statutory offenses excludes Commonwealth as victim) and joined in by all defendants is DENIED.

The Motion In Limine To Exclude Evidence That Non-Legislative Activities Occurred During Prosecution Defined "Normal Work Day" As A Violation Of Separation Of Powers Doctri9ne, and joined in by all defendants, is hereby DENIED.

The Motion To Dismiss The Information, Disqualify Office Of Attorney General, Appoint A Special Prosecutor And Stay All Proceedings is hereby DENIED.



Richard A. Lewis, Judge

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